

Remarks/Arguments

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments. Claims 1, 2, 4, 6, and 16-29 were pending in the application. By this Amendment, claims 1 and 23 have been amended. It is believed that no new matter has been added. Accordingly, claims 1-2, 4, 6, and 16-29 are pending.

Rejection of claims 1, 2, 6, 17, 18, and 21-28 under § 103(a) over Murayama in view of Van Gompel

In response, applicants have amended independent claims 1 and 23 to state the phrase "built from elastic fibers, which is not made from styrene-isoprene-styrene block polymer." Applicants concede that this phrase does not appear *ipsis verbis* in the specification as originally filed. Nevertheless, it is believed that no new matter has been introduced because it should be pointed out that in determining whether an amendment to a claim constitutes new matter, the question is not whether the added *word* is a word that is used in the application as filed, but whether the *concept* embodied by the added word is present in the original specification as filed. *See, e.g., In re Anderson*, 176 USPQ 331, 336 (CCPA 1973). There appears to be a number of embodiments and examples in the specification that show an elastic textile sheet, which is not made from styrene-isoprene-styrene block polymer. Claims 2, 6, 17-18, and 21-28 are either directly dependent or indirectly dependent on claim 1.

In order to show obviousness, the combined references must teach or suggest every element of the claimed invention (See M.P.E.P § 2143)

The combined references fail to teach or suggest every element of the claimed invention because they fail to teach or suggest an elastic textile sheet, built from elastic fibers, which is not made from styrene-isoprene-styrene block polymer. Murayama only seems to disclose styrene-isoprene-styrene block copolymer (synthetic rubber). Van Gompel fails to make up for this deficiency.

It is, therefore, respectfully requested that the Examiner reconsider and withdraw this rejection.

Rejection of claims 4 and 29 under § 103(a) over Murayama in view of Van Gompel and in view of Haffner

The combined references fail to teach or suggest every element of the claimed invention because they fail to teach or suggest an elastic textile sheet, built from elastic fibers, which is not made from styrene-isoprene-styrene block polymer as mentioned in amended claim 1. Claim 4 and 29 are dependent either directly or indirectly on amended claim 1. Murayama only seems to disclose styrene-isoprene-styrene block copolymer (synthetic rubber). Van Gompel and Haffner fail to make up for this deficiency.

It is, therefore, respectfully requested that the Examiner reconsider and withdraw this rejection.

Rejection of claims 16, 19, and 20 under § 103(a) over Murayama in view of Van Gompel and in view of Masatoshi

The combined references fail to teach or suggest every element of the claimed invention because they fail to teach or suggest an elastic textile sheet, built from elastic fibers, which is not made from styrene-isoprene-styrene block polymer as mentioned in amended claims 1. Claims 16, 19, and 20 are directly dependent on amended claim 1. Murayama only seems to disclose styrene-isoprene-styrene block copolymer (synthetic rubber). Van Gompel and Masatoshi fail to make up for this deficiency.

It is, therefore, respectfully requested that the Examiner reconsider and withdraw this rejection.

CONCLUSION

Based on the foregoing remarks it is believed that the claim is in condition for allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

CONDITIONAL PETITION FOR EXTENSION OF TIME


If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263

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